

Emergency Bill No. 3-93
Concerning: Collective Bargaining
- Process and Deadlines
Draft No. & Date: 2 1-22-93
Introduced: January 26, 1993
Enacted: March 2, 1993
Executive: March 11, 1993
Effective: March 11, 1993
Sunset Date: None
Ch. 12, Laws of Mont. Co. 1993

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President

AN EMERGENCY ACT to:

- (1) revise certain deadlines in the County collective bargaining process;
- (2) make technical, stylistic, and conforming changes in certain provisions of the County collective bargaining laws, and remove obsolete provisions from those laws; and
- (3) generally amend the laws governing collective bargaining with certain County employees.

By amending

Montgomery County Code
Chapter 33, Personnel
Sections 33-80 and 33-108

EXPLANATION: Boldface indicates a heading or a defined term
Underlining indicates text that is added to existing law by the original bill
[Single boldface brackets] indicate text that is deleted from existing law by the original bill
Double underlining indicates text that is added to the bill by amendment
[[Double boldface brackets]] indicate text that is deleted from existing law or the bill by amendment
* * * indicates existing law unaffected by the bill

The County Council for Montgomery County, Maryland, approves the following act:

1 Sec. 1. Sections 33-80 and 33-108 are amended as follows:

2 ARTICLE V. POLICE LABOR RELATIONS.

3 * * *

4 33-80. Collective bargaining.

5 * * *

6 (d) Time limits. Collective bargaining shall commence no later
7 than November 1 preceding [the beginning of] a fiscal year
8 for which there is no contract between the employer and the
9 certified representative and shall be concluded [on] by
10 January 20. The resolution of an impasse in collective
11 bargaining shall be completed by February 1. These time
12 limits may be waived only by prior written consent of the
13 parties.

14 * * *

15 (g) [Miscellaneous] Council review. A ratified agreement shall
16 be binding on the employer and the certified
17 representative, and shall be reduced to writing and
18 executed by both parties. Any term or condition thereof
19 which requires an appropriation of funds or enactment,
20 repeal or modification of a County law shall be timely
21 submitted to the County Council by the employer[;], and the
22 employer shall make a good faith effort to have such term
23 or condition implemented by Council action. On or before
24 [April 25] May 1, the County Council shall indicate by [a
25 majority vote] resolution its intention to appropriate
26 funds for or otherwise implement the agreement[,] or its
27 intention not to do so, and shall state its reasons for any

28 intent to reject any part [or parts] of the agreement. [In
 29 the event] If the Council indicates its intention to reject
 30 any part, it shall designate a representative to meet with
 31 the parties and present the Council's views in their
 32 further negotiations. This representative shall also
 33 participate fully in stating the Council's position in any
 34 ensuing impasse procedure. The parties shall thereafter
 35 meet as promptly as possible [in an] and attempt to
 36 negotiate an agreement acceptable to the Council. Either
 37 of the parties may initiate the impasse procedure set forth
 38 in Section 33-81. The results of the negotiation or
 39 impasse procedure shall be submitted to the Council on or
 40 before May 10. Any agreement shall provide either for
 41 automatic reduction or elimination of [such] conditional
 42 wage and/or benefits adjustments if the Council fails to
 43 take action necessary to implement the agreement, or if
 44 sufficient funds are not appropriated for any fiscal year
 45 in which the agreement is in effect[, or if a lesser amount
 46 is appropriated].

47 ARTICLE VII. COUNTY COLLECTIVE BARGAINING.

48 33-108. Bargaining, impasse, fact finding, and legislative
 49 procedures.

- 50 (a) Collective bargaining shall begin no later than November 1
 51 before the beginning of a fiscal year for which there is no
 52 agreement between the employer and the certified
 53 representative [(except that in 1986, collective bargaining
 54 may begin as late as December 1)] and shall be finished on

or before January 15. The resolution of a bargaining
impasse or fact-finding shall be finished by February 1.

* * *

(i) On or before [April 15] May 1, the Council shall indicate
by [a majority vote] resolution its intention to
appropriate funds for or otherwise implement the items that
have been agreed to[,] or its intention not to do so, and
shall state its reasons for any intent to reject any [part
of the] items[,] of the kind specified in subsection (g)[,]
that have been agreed to. The Council shall also indicate
by [a majority vote] resolution its position on disputed
matters which could require an appropriation of funds or
enactment, repeal, or modification of any county law or
regulation, or which have present or future fiscal impact.

(j) Then the Council shall designate a representative to meet
with the parties and present the Council's views in the
parties' further negotiation on disputed matters and/or
agreed upon matters that the Council has indicated its
intention to reject. The results of the negotiation,
whether a complete or a partial agreement, shall be
submitted to the Council on or before May [1] 10. [The
Council may extend this deadline for no more than one (1)
week.] Any agreement shall provide for automatic reduction
or elimination of wage and/or benefits adjustments if:

- (1) The Council does not take action necessary to
implement the agreement[,] or a part of it; or
- (2) [Funds] Sufficient funds are not appropriated for any

fiscal year in which the agreement is in effect. [; or]

[(3) Lesser amounts than those stated in the agreement are
appropriated.]

Sec. 2. Emergency Effective Date.

The Council declares that an emergency exists and that this
legislation is necessary for the immediate protection of the public
health and safety. This act takes effect on the date on which it
becomes law.

Approved:

Marilyn J. Praisner

Marilyn J. Praisner, President, County Council

Mar. 2, 1993

Date

Approved:

Neal Potter

Neal Potter, County Executive

3/11/93

Date

This is a correct copy of Council action.

Kathleen A. Freedman

Kathleen A. Freedman, CMC

Secretary of the Council

3/12/93

Date

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